

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Lisa A. Smith-Goodman

✓

C.A.# 18-3675

(In the space above enter the full name(s) of the plaintiff(s))

- against -

City of Philadelphia
Turning Points for Children

Stephanie English (Official Capacity)
Kathin Sullivan (Official Capacity)

SECOND
AMENDED
COMPLAINT

Jury Trial: ☒ Yes ☐ No

(check one)

FILED

SEP 25 2018

KATE BARKMAN, Clerk
By _____ Deo. Clerk

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name

Street Address

County, City

State & Zip Code

Telephone Number

Lisa A. Smith-Goodman
7334 Woodbine Ave
Philadelphia
PA 19151
215-749-2289

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name City of Philadelphia
Street Address 1515 Arch St
County, City Philadelphia PA
State & Zip Code PA 19102

Defendant No. 2 Name Turning Points for Children
Street Address 415 S. 15th St
County, City Philadelphia, PA Philadelphia
State & Zip Code PA 19146

Defendant No. 3 Name Stephanie English (Official Capacity)
Street Address 1515 Arch St. 14th Fl
County, City Philadelphia, Philadelphia
State & Zip Code PA 19102

Defendant No. 4 Name Katlin Sullivan (Official Capacity)
Street Address 3901 Market St Turning Points for Children
County, City Philadelphia, Philadelphia
State & Zip Code PA 19104

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

- A. What is the basis for federal court jurisdiction? (check all that apply)
☒ Federal Questions ☐ Diversity of Citizenship

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? See Attached

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship N/A

Defendant(s) state(s) of citizenship N/A

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary

A. Where did the events giving rise to your claim(s) occur? _____

See Attached

B. What date and approximate time did the events giving rise to your claim(s) occur? _____

See Attached

C. Facts: See Attached

What
happened
to you?

Who did
what?

Was
anyone
else
involved?

Who else
saw what
happened?

Lisa Visco, Esq., Attorney for Lisa Smith Goodman,
Court Appointed

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

Emotional Distress, Defamation of Character
and physical ailments of increased blood
pressure and blood sugar levels due to stress

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

Plaintiff prays that this Honorable Court will
order named Defendants to discontinue violation
of Plaintiff's constitutional right to due process
under 14th and 4th Amendments.

Plaintiff seeks punitive damages in the amount
of \$100,000.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 24 day of September, 20 18.

Signature of Plaintiff Lisa Smith-Gorman
Mailing Address 7334 Woodbine Ave
Philadelphia PA 19151
Telephone Number 215-749-2289
Fax Number (if you have one) _____
E-mail Address lsmithg1@student.ccp.edu.

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: _____
Inmate Number _____

II. Basis for Jurisdiction

B. Plaintiff (Smith-Goodman) asserts that at question issue is whether there have been violations and deprivation of her rights to due process pursuant to the Fourteenth Amendment of the United States Constitution Equal Protection Clause and violations of rights under the Fourth Amendment of the United States Constituion 28 U.S.C § 1331, 28 U.S.C. § 1343 (a)(1) (2) (3) (4) under the color of law.

III. Statement of Claim:

- Where did the events giving rise to your claims occur?

Court of Common Pleas

Philadelphia Family Court

1501 Arch St

Philadelphia PA 191

- What date and approximate time did the events giving rise to your claim(s) occur?

The events took place on 08/07/2018 at approximately 9:30 a.m.

Facts:

1. Smith-Goodman asserts that the policies of the City of Philadelphia, Department of Human Services to engage in a reunification process or policy with biological parents that disregards the rights of those who have in loco parentis or third party standing is a violation of right to due process and equal protection that is provided to all under the US Constitution XIV amend.
2. On 02/06/2018, the date of Petition for Dependency Hearing, Smith-Goodman in

addition to acting loco parentis, also had court ordered shared and legal physical custody of ZKM.

3. Smith-Goodman asserts that subsequent proceedings with the intention to reunite ZKM with biological mother held on 05/08/2018 and 08/07/2018 were held with the intent for reunification with biological mother, a policy and custom of the Department of Human Services that circumvents Smith-Goodman's right to due process to fully litigate any custody matter relevant to ZKM, *a violation of 14th amend. of U.S. constitution.*

4. Smith-Goodman asserts that as the Philadelphia Family Court did not find any dependency issues related to Smith-Goodman, that the hearing on August 7, 2018 was in fact a reunification plan that included a change of custody, a policy of the City of Philadelphia, Department of Human Services that did not afford Smith-Goodman the right to due process protection under the US Constitution IV and XIV amendments.

5. The doctrine of in loco parentis begins with parental agreement. Child ZKM XX-XX-2008, was left in the custody of Smith-Goodman for the first year of her life by agreement/testimony in Philadelphia Family Court by biological mother. Smith-Goodman filed for, and was awarded legal custody in March 2010, after learning that biological mother was being investigated for drug use while pregnant with subsequent birth of child with drugs in her system at birth.

6. On 02/06/2018, 05/08/2018, and 08/07/2018, Defendant English and Defendant Sullivan acting under the color of law initiated the conspiracy to violate Plaintiff Smith-Goodman's constitutional rights by engaging in a Prehearing Conference and Review Hearings requesting removal of ZKM from Smith-Goodman's custody based on a policy favoring a Department of Human Services policy of biological reunification rather than any findings of abuse or neglect creating imminent danger that would rise to removal of a child under Department of Human Services guidelines.

7. ZKM was removed from Plaintiff Smith-Goodman's custody on 08/07/2018. Smith-Goodman asserts that she was denied the right to due process and equal protection under U.S. Constitution, amend XIV to fully litigate this removal, and in fact was advised by

the Court on 05/08/2018, that even in the absence of dependency related issues in a "Dependency Proceeding", relevant to Plaintiff Smith-Goodman, that policy and intent of the Department of Human Services is biological reunification. A policy under the color of law that considers the rights of one group while excluding the rights of another appears to be unconstitutional. The stated mission of the City of Philadelphia, Department of Human Services is to provide and promote safety and permanency to children and youth at risk of abuse, neglect and delinquency.

8. Smith-Goodman respectfully asserts the visit initiated by English and each subsequent visit by Defendant Sullivan which included mental health and substance abuse histories were mandatory and not voluntary, and are Department of Human Services policies that have violated Plaintiff Smith-Goodman as an in loco parentis parent with legal custody *who* should have the right to pursue a Fourth Amendment of the U.S. Constitution child-seizure claim on ZKM's behalf.